

REMARKS/ARGUMENTS

Claims 1-28 are in the application. Claim 1 is independent and currently amended. The remaining claims are original.

Interview Summary

The Examiner extended the courtesy of an in-person interview to the Attorney of Record, Ralph A. Dowell, and the Applicants' local agent, Robert H. Wilkes, on October 24, 2008. At the interview the primary references Syverson and Reiling were discussed. The operation of the claimed invention was also discussed. Possible amendments to claim 1 were discussed. The amendments are set out above and discussed later herein. Applicants agents thank the Examiner for her courtesy in conducting the interview.

35 U.S.C. § 112

The Examiner has rejected claim 1 under 35 U.S.C. § 112, second paragraph. The Applicant has amended claim 1 to correct a clerical error by inserting "end" before "second". The amendment is not made in response to any cited art or to lend patentability to the claim. The Applicant believes this addresses the Examiner's concerns and the claim is now allowable.

The applicant has also taken the opportunity to introduce the individual elements of claim 1 with lowercase letters, rather than uppercase letters.

35 U.S.C. § 103

The Applicant respectfully traverses all art rejections. The Examiner has rejected claims 1, 2, 4, 9-12 and 18-23 under 35 U.S.C. § 103 based on a combination of Reiling and Syverson. Claims 13, 14, 24 and 25 were also rejected as being obvious over the primary combination when further considered in view of the secondary reference to Stephens. Based on the discussion at the interview, the Applicants understand that the Applicants have adequately distinguished the invention as originally

claimed from the cited references, and that the Examiner will withdraw the claim rejection as currently framed. More particularly, it was noted that in Reiling discloses a vacuum housing 12 in which a motor 10 is securely mounted so as to be non-rotatable with respect to the housing. The motor includes an output drive shaft 16 that drives impellers 30 and 36 in rotation. Unlike the present invention, there is no teaching of providing a substantially cylindrical rotor that rotates about a fixed stator mounted and wherein an impeller is mounted to the rotor to rotate with the rotor.

Further, the reference to Syverson teaches away from the claimed combination as Syverson provides an outer roller that is fixed to a motor rotor mounted about a stator so that the roller, that is, the housing of the motor, rotates. A rotatable housing is not possible nor desired in the Reiling reference. Therefore, it was agreed that the combination rejection over Syverson and Reiling had been overcome and thus no further discussion was necessary with respect to the secondary reference to Stephens et al.

At the request of the Examiner the Applicants have made amendments to claim 1 that ease the understanding of the claim; however, the claim scope remains similar and the amendments are not being made to distinguish between the cited art and the cited references. The amendments clarify the shaft is mounted within the casing so as to be non-rotatable with respect to the casing, and the impeller is mounted to the rotor so as to rotate with the rotor. For clarity, it is understood that mounting of one element to another element such that the one element is non-rotatable with respect to the other element, or the one element rotates with the other element, may include embodiments with intervening components that maintain the desired relationship between the elements, or the elements may be integrally formed to maintain the desired relationship.

Allowable Subject Matter

The Applicants note that the Examiner indicated claims 3, 5-8, 15-17, 19 and 26-28 contain allowable subject matter. The Applicants thank the Examiner for such

indication. The Applicants respectfully defer rewriting the claims in independent form pending allowance of additional claims.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The Applicant therefore respectfully requests the Examiner reconsider all presently outstanding objections and rejections and that the objections and rejections be withdrawn. The Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

As this response is being filed after the shortened statutory period, a Request for a one month extension of time is being submitted with the required fee.

Favourable reconsideration and allowance of this application are respectfully requested. Applicant's undersigned attorney may be reached at their office by telephone at (703) 415-2555. All correspondence should continue to be directed to our address given below.

Respectfully Submitted,
DOWELL & DOWELL, P.C.

By: _____


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